

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
15 JULY 2008

Agenda Item	2.1
Report No	33/08

07/00493/FULCA: ALTERATIONS TO HOUSE EXTENSION GRANTED UNDER
REFERENCE 06/00674/FULCA ON 13 FEBRUARY, 2007 AT 6 UPPER BURNSIDE
COURT, THURSO

Report by Area Planning and Building Standards Manager

SUMMARY

Planning permission was granted on 13 February, 2007 for a two storey side extension to an end terraced dwellinghouse at 6 Upper Burnside Court, Thurso. The proposed extension comprised a double garage on the ground floor with 2 bedrooms, a bathroom and a living area on an upper floor accessed via the existing upper floor of the house. Subsequently, after work commenced, it became evident that what was being constructed was not what had been granted planning permission. The developer did not cease the unauthorised works when he was advised to and a Breach of Condition Notice was served on 20 September 2007. On almost the same day a further planning application was received from the developer for the alterations to the approved house extension to change the ground floor double garage to a granny annex. Following discussions with the developer he then intimated that the reference to a granny annex, which could be self contained, was actually wrong and that the extension was only an extension to the existing house as a family annex. Further revised plans were thereafter submitted and these are the plans which are subject to consideration. Since the initial submission of this application a total of 19 letters of objection from neighbours have been received from 12 different addresses and a letter of objection has also been received from Thurso Community Council.

The recommendation is to GRANT planning permission subject to conditions.

Ward Number 2 – Thurso

Applicant: Mr. R. Grant for PD2005 Ltd, Fairways Lane, Inverness

1. PROPOSAL

- 1.1 The proposal represents a two storey extension onto the side of what is basically a two storey end terraced house. On the ground floor the proposed accommodation consists of two bedrooms, a shower room/WC, a kitchen and a sitting room. There is an external door in the elevation which faces Upper Burnside Court which gives access to the proposed ground floor accommodation, and the proposed upper floor accommodation via a proposed new staircase. It also provides access into the existing house at ground floor level through the gable of the existing building.

The upper floor consists of two bedrooms, a bathroom and a sitting room, which can be accessed via the new stair case to the ground floor or by a slapping through the existing gable of the existing house at first floor level.

1.2 External finishing materials of the extension would match the existing house.

2. PLANNING HISTORY

2.1 None until the submission of planning application 06/00674/FULCA for a two storey extension onto the house which was granted planning permission on 13 February, 2007.

3. PUBLIC PARTICIPATION

3.1 A total of 19 letters of objection have been received, not including the Community Council, from 12 different addresses. The grounds of objection can be summarised as follows:-

1. The proposed extension will be used as a house in multiple occupation or for bed-sits or as self contained flats.
2. There will be insufficient parking for the property and the proposal will cause traffic problems and problems for the emergency services.
3. The proposal, being for multiple occupancy, will lead to noise and disturbance in an established residential area.
4. The proposal will have an adverse effect on adjacent property values.
5. The proposed extension is visually out of character with the existing building.
6. The proposal, being 2 storeys, will cause overlooking and privacy problems.

4. CONSULTATIONS

4.1 **Area Roads and Community Works Manager:** No objection subject to there being four off road parking spaces, one of which is available in the garage and a condition can be attached to require a further 3 parking spaces on land which is available to the developer.

4.2 **Thurso Community Council:** Strongly opposes the application because

- it would appear that the developer has breached the Building Regulations by continuing to proceed with the project whilst having been requested to cease operations
- they understand that the applicant will be letting the property to 8 tenants
- there is concern that there could be a restriction of access to emergency services should the planning application be approved.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal:

Highland Structure Plan:

- G2 Design for Sustainability

Caithness Local Plan (Adopted September 2002):

- **General Policy H** The Council will seek to maintain and enhance the established character of residential areas and will encourage appropriate development.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN):

- SPP 3 Housing
- PAN 67 Housing Quality

6. PLANNING APPRAISAL

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines, as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the applicant and objectors

6.3 There appear to be two overriding aspects to the situation which has arisen which is giving particular cause for concern

- a. That the developer received planning permission for one thing, and then started to build something different and did not stop when confronted with the situation.
- b. That the public are suspicious about the purpose of this extension and are concerned that it is not merely an extension to an existing house but that there is an intention that the property will be used for some form of multiple occupancy.

6.4 With regard to the first of these issues, the fact that the developer started to build something which he did not have planning permission for, or that he did not stop immediately when requested, should not colour Committee's consideration of this proposal. Members must consider the proposal as it currently exists, and not take that previous behaviour into particular account when assessing this application.

6.5 With regard to the issue about suspicions of multiple occupancy, I wrote specifically to the applicant's agent on 9 May, 2008 and asked him to confirm the exact purpose of the extension. He was advised that his reply was important and would be reported in full to Committee. The response from the applicant's agent reads as follows:-

"I refer to your recent letter of 9th May, 2008 where you raise an issue of concern by Thurso Community Council. I feel that this has been more than adequately answered both in the planning application and also in PD's letter dated 10th March.

I feel it is inappropriate for the Planning Department to react to local gossip and that the allegation in the first place is scaremongering and at the very least is not helpful.

For the avoidance of doubt I refer to PD's letter dated 10th March, 2008 and confirm that the property will be let to one family as a single dwelling.

I trust this is satisfactory.

Yours sincerely,

W. A. MacDonald
Chartered Architectural Technologist and Building Design Consultant."

6.5 This is fairly clear. The proposal must be considered to be no more than a normal extension to a dwellinghouse and therefore this application must be determined on that basis.

6.6 With regard to the grounds of objection outlined in paragraph 3.1 above I would respond as follows:-

1. The applicant has intimated clearly in writing that it is not to be a house in multiple occupation and will not be used for bed-sits or for self contained flats and that it is merely an extension to the house.

2. The Area Roads and Community Works Manager is satisfied that sufficient room exists for adequate parking to be created and he does not object to the proposal nor does he envisage any traffic or access problems.

3. As in 1 above the applicant clearly states that it is not to be used for multiple occupancy and therefore the noise and disturbance referred to by the objectors should not occur. Having said that, it is not necessarily the case that if the house was in multiple occupancy this would lead to any increase in noise and disturbance.

4. This is not a valid planning matter.

5 & 6. I do not agree with these grounds of objection and, indeed, when the original application was submitted for the two storey extension, there were no letters of objection referring to either the visual impact of the extension nor to there being any over looking or privacy problems. There has been no change to the height of the extension, either as previously approved or as currently proposed, and the upper floor windows are the same in number and position.

7. CONCLUSION

- 7.1 This proposal must be considered as a normal extension to a dwellinghouse. There are no technical reasons for not approving it. As such I recommend that this application be approved.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The extension hereby approved shall not be occupied at any time other than for purposes ancillary to residential use of the dwellinghouse known as 6 Upper Burnside Court, Thurso, KW14 7XT and no part of the extension hereby approved shall be disposed of separately from the original dwellinghouse.

Reason: In order to ensure that the extension hereby approved remains part of the existing dwellinghouse and is not physically or otherwise segregated from it.

2. Notwithstanding the submitted plans, prior to first occupation of any part of the extension hereby approved, further plans shall be submitted for the express prior written approval of the Planning Authority to show 3 car parking spaces within the curtilage of 6 Upper Burnside Court to the required technical specifications of the Council as Roads Authority. The car parking thereby approved shall be provided prior to first occupation of any part of the extension hereby approved.

Reason: In order to alleviate any potential parking or traffic problems in the locality.

3. Except as otherwise provided by the terms of this permission the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the planning authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

4. The materials to be used for the construction of the external surfaces of the extension hereby approved, including their colour, appearance and texture, shall match those used on the existing building.

Reason: In the interests of amenity.

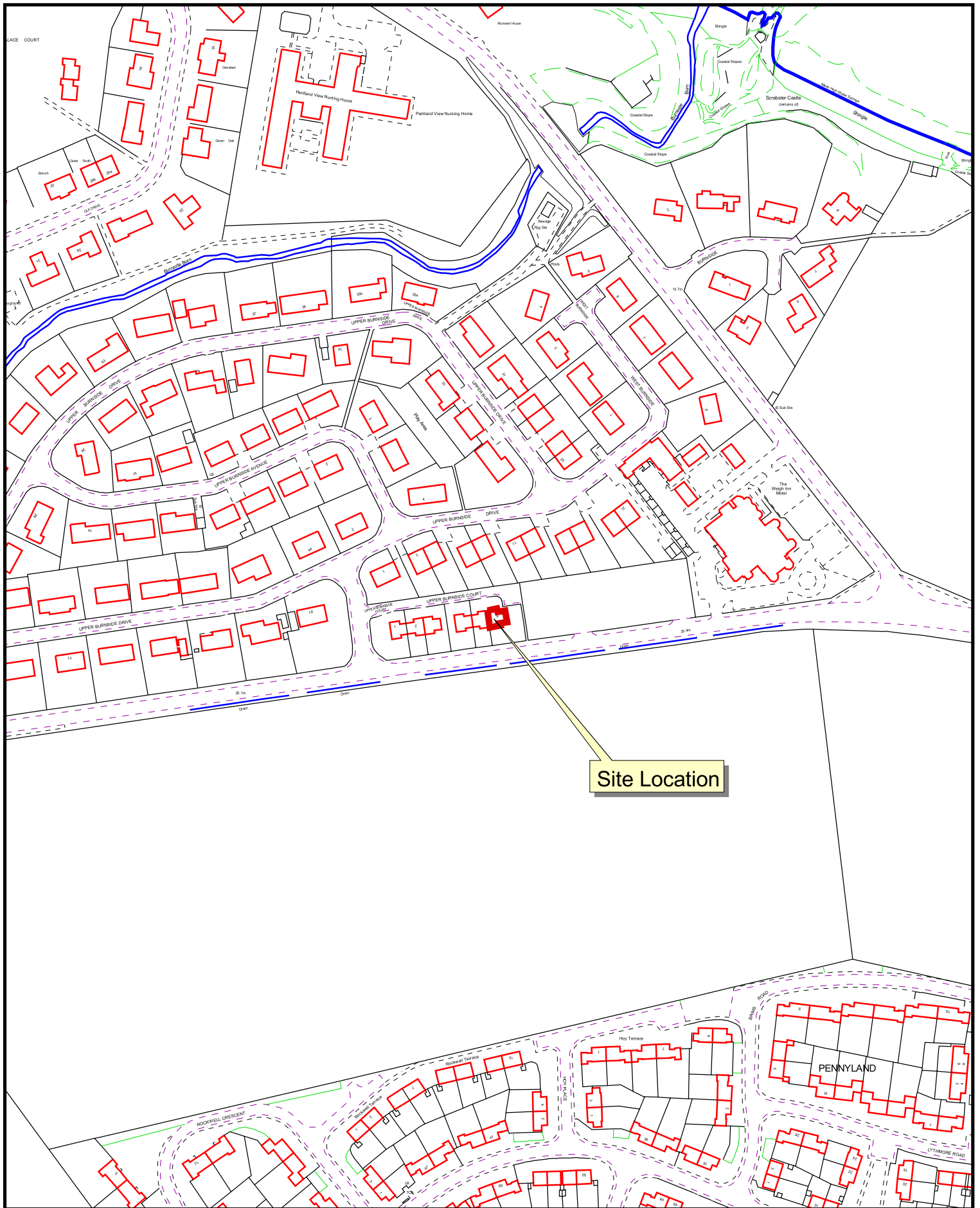
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above

Date: 3 July 2008



Date: 08 July 2008

07/00493/FULCA
 Alterations to house extension and change double garage into
 granny annexe at 6 Upper Burnside Court, Thurso

SUPPLIED BY THE HIGHLAND COUNCIL

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